

**CBH LEGISLATIVE UPDATE**  
**FINAL 2012 REPORT (4/10/12, pre-special session if called)**

<b>BILL</b>	<b>TITLE/DESCRIPTION</b>	<b>CBH POSITION</b>	<b>STATUS</b>
<b>HB29/SB156</b>	<b>Minority Business Enterprises - Not for Profit Entities...</b> (B. Robinson/Pugh et al) Would deny MBE status for nonprofits with budgets above \$1.5million and Boards whose members aren't at least 50% "socially and economically disadvantaged." See also <b>SB628</b> (Conway) dealing with state agency subgoals, <b>HB1286</b> (Tarrant et al) that adds "health" to the services that can be procured via "noncompetitive negotiation," and <b>HB1370</b> (Dept) that extends the state's MBE program, amended to ensure that nonprofit service providers have a voice in implementation of new provisions that may impact them.	Oppose	HB withdrawn/SB156 and SB628 died in EHEA HB1286 killed by HGO withdrawn  HB1370 <b>PASSED</b> amended
<b>HB34/SB298</b>	<b>Criminal Procedure - Discharge from Commitment of Persons Found Not Criminally Responsible - Judicial Hearing</b> (Smigiel/Stone et al) Similar to bills of previous years, adds procedures governing when someone could be discharged on conditional release.	Monitor	HB passed House amended, died in JPR/SB died in JPR
<b>HB43</b>	<b>Maryland Constitution – Laws – Making an Appropriation Subject to Petition on Referendum</b> (Smigiel et al) Constitutional amendment to put increases in budget appropriations up for referendum. See also <b>SB837</b> (Pipkin and Brinkley), a Constitutional amendment to give the legislature more authority over the state budget; <b>SB838</b> (Pipkin and Brinkley) that cuts from 25% to 10% the amount the Governor can cut from an appropriation and requires legislative notice one week prior to Board of Public Works cuts; <b>SB619/HB695</b> (Jennings/McDonough), a Constitutional amendment preventing dedicated funds from being transferred to the General Fund with specified exceptions.	Oppose	HB43 killed by APP SB837 and SB838 died in B&T  SB619 killed by B&T/HB695 killed by APP
<b>HB53</b>	<b>Higher Education - Community Colleges - Tuition Waiver for Disabled Individuals</b> (Luedtke et al) Adds "continuing education leading to employment" to existing community college tuition waiver provisions. See also <b>SB656</b> (Manno) that would include fees in the waiver.	Monitor	HB53 <b>PASSED</b> and SB656 <b>PASSED</b> amended to conform with each other
<b>HB68/SB72</b>	<b>Medical Treatment - Youth - Registered Nurses, Physician Assistants, and Licensed Clinical Social Workers</b> ((Rosenberg and Hubbard/Kelley) Allows the above professionals to judge that a minor can consent to medical treatment without a parent or guardian's consent in specified circumstances.	Monitor	HB killed by HGO withdrawn SB72 <b>PASSED</b> amended
<b>HB82</b>	<b>State Government – E-Verify Program</b> (W. Miller et al) Requires entities with state contracts to use federal E-Verify to prevent employment of "unauthorized alien" workers. See also <b>HB344</b> (McDonough), which appears to be the same as HB82, and <b>HB355</b> (Schuh et al) requiring employers to use E-Verify.	Monitor	All killed by HGO
<b>HB168/SB277</b>	<b>Human Relations – Housing Discrimination – Source of Income</b> (Lafferty et al/Raskin et al) A bill introduced many times in the past to prevent landlords from refusing to rent to	Support	HB killed by ENV withdrawn/SB killed

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	individuals because their source of income is an entitlement or because they have a housing voucher.		by JPR withdrawn
<b>HB183/ SB278</b>	<b>State Government – Human Relations – Discrimination in Housing, Employment, and Places of Public Accommodation</b> (Rosenberg et al/Raskin et al) Adds internet sites to the definition of public accommodation and makes changes to the definition of "disability" and to penalties for public accommodation rights violations, among other provisions. See also related bill, <b>HB287/SB491</b> (Hubbard et al/Gladden et al), and <b>SB966</b> (Gladden) that prohibits employment discrimination based on employment status.	Monitor	HB183 and HB287 killed by HGO/SB278 killed by JPR withdrawn  SB491 and SB966 died in JPR
<b>HB194/ SB577</b>	<b>State Traumatic Brain Injury Trust Fund</b> (McConkey et al/Reilly) Establishes such a fund to provide specified services.	Monitor	HB killed by HGO/SB passed Senate amended, killed by HGO
<b>HB217/ SB315</b>	<b>Council for the Procurement of Health, Education, and Social Services</b> (Pena-Melnyk et al/Pugh et al) Establishes such a Council to work on implementation of recommendations by a task force it replaces. See also <b>HB1196</b> (Ready and Pena-Melnyk) that allows human service agencies to receive input and comments from provider groups on RFPs in the draft stage.	Monitor	HB217/SB315 <b>PASSED</b> HB1196 <b>PASSED</b> amended
<b>HB227</b>	<b>Income Tax Credit for Services Donated to Community Health Organizations</b> (Hixson et al) Makes tax credits available to health professionals for donating health care services under specified circumstances.	Monitor	Died in W&M
<b>HB234</b>	<b>Corporate Income Tax – Rate Reduction</b> (Ready et al) Would cut corporate income tax rate from 8.25 to 7%. See also <b>SB519/HB1116</b> (Shank/Fisher et al) that would also cut corporate taxes.	Monitor	HB234 and HB1116 died in W&M SB519 died in B&T
<b>HB238/ SB337</b>	<b>State Board of Nursing...Licensure and Certification Requirements</b> (Nathan-Pulliam et al/Conway) Makes a number of changes including those affecting advance practice nurses such as nurse psychotherapists.	Monitor	<b>PASSED</b> amended
<b>HB276/ SB262</b>	<b>Health Occupations – Psychologists – Penalties...</b> (Hubbard/Montgomery) Increases penalties for practicing without a license.	Monitor	<b>PASSED</b> amended
<b>HB286/ SB484</b>	<b>Managed Care Organizations – Medical Loss Ratio Information – Publication</b> (Hubbard et al/Kelley et al) Requires DHMH to publish on its website the annual medical loss ratios (the percentage spent on services as opposed to administration and profit) of each MCO and the amount of funds returned by each MCO for failure to meet the 85% requirement.	Support	<b>PASSED</b>
<b>HB348/ SB474</b>	<b>State Board of Professional Counselors and Therapists – Certified Professional Counselor-Alcohol and Drug – Repeal</b> (Hubbard/Pinsky) Makes changes to licensure law affecting addiction counselors. Se also <b>HB1009</b> (Hubbard) that includes "trainees" in an existing registry and in a code of ethics.	Monitor	<b>PASSED</b>  HB1009 <b>PASSED</b>
<b>HB388</b>	<b>Public Benefits – Requirement of Proof of Lawful Presence</b> (O'Donnell) Imposes new hoops on applications for Medicaid and other benefits. Appears to go beyond current	Oppose	Killed by APP

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	federal proof of citizenship requirements.		
<b>HB426/ SB593</b>	<b>Medical Assistance Program – Health Care for Mothers, Children, Seniors and Individuals with Disabilities – Pilot Program</b> (Hubbard and Gaines/Pinsky) Establishes such a program "to enhance program services for (the above individuals) who reside in local access areas...having a deficit in primary care capacity." Target includes 5,000 dual-eligibles.	Amend to ensure inclusion of behavioral health	HB killed by HGO withdrawn/SB killed by FIN withdrawn
<b>HB465/ SB456</b>	<b>Health Insurance – Health Benefit Plan Premium Rate Review</b> (Hammen/Middleton) Prevents carriers from changing premium rates prior to MIA review and approval. See also <b>SB206/HB1015</b> (Pinsky et al/Cullison et al)) to establish a single payer system in MD; <b>SB510</b> (Frosh) concerning denials under the Md Health Insurance Program; <b>SB744/HB1055</b> (Madaleno et al/A. Kelly et al)) to mandate coverage of "habilitative" services; <b>SB781/HB1149</b> (Pugh et al/Lee et al)) and <b>SB817</b> (Pipkin) mandating coverage for telemedicine services; <b>HB1399</b> and <b>HB1400</b> (Smigiel and Hammen), the first dealing with hospital credentials and telemedicine and the second concerning licensure rule exceptions for out-of-state physicians practicing telemedicine.	Monitor	HB465/SB456 <b>PASSED</b> amended SB206, SB510 killed by FIN/HB1015, HB1399 and HB1400 killed by HGO SB817 withdrawn SB744/HB1055 <b>PASSED</b> amended SB781/HB1149 <b>PASSED</b> amended to exclude Medicaid
<b>HB470/ SB540</b>	<b>Maryland Health Care Commission – Preauthorization of Medical Services and Pharmaceuticals – Standards</b> (Tarrant et al/Astle) Originally required MHCC to establish regulations for such standards but amended to require MHCC to work with payors and providers to meet certain benchmarks related to preauthorization.	Monitor	<b>PASSED</b> amended
<b>HB596</b>	<b>Child with a Disability – Individualized Education Program Meeting – Document Access</b> (Kaiser et al) Requires schools to provide IEP-related reports at least 5 "calendar" days instead of business days prior to a meeting.	Monitor	<b>PASSED</b> amended
<b>HB618</b>	<b>Task Force to Study Access of Individuals with Mental Illness to Regulated Firearms</b> (Simmons et al) Sets up such a task force; includes expanding access by law enforcement to mental health records. See also <b>HB1100</b> (Wilson et al) that would ban possession of firearms by specified persons with mental disorders including those who've been confined to a psychiatric hospital for more than 30 days.	Monitor	HB618 <b>PASSED</b> with Mental Health Assn's amendments HB1100 killed by JUD
<b>HB676</b>	<b>Religious Observance Accommodation Act</b> (Rosenberg et al) Similar to bills from prior years to require employers to grant leave in accordance with an employee's "sincerely held religious belief." This is broad and could cause staffing problems in residential and other programs. See also <b>HB1159</b> , (Barkley et al), the <b>Working Families Flexibility Act</b> , that requires employers to consider employee applications for changes in hours, time and place of work; exempts employers/agencies licensed or approved by DHMH, DHR or DJS. See also <b>SB999</b> (Muse) dealing with "abusive work environments" and employee remedies.	Oppose HB676	HB676 withdrawn HB1159 withdrawn  SB999 passed Senate amended, died in APP

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HB752	<b>Capital Projects – Eliminating Individual Bond Bills</b> (Parrott et al) Constitutional amendment to prohibit bills for individual capital projects such as those for construction and housing projects used many times over the years by CBH member agencies.	Oppose	Died in Rules
HB759/ SB904	<b>Maryland Medical Assistance Program – Health Care Delivery Systems – Pilot Project</b> (Hammen/Middleton) Would establish a pilot to “test alternative and innovative health care delivery systems, including Accountable Care Organizations, that provide services to the (Medicaid) fee-for-service program population for an agreed-on total cost of care or risk-gain sharing payment arrangement.”	Monitor	HB died in HGO/SB withdrawn
HB780	<b>Multicultural Health Care Equity Certification and Accreditation – Work Group</b> (Nathan-Pulliam et al) Creates such a work group to strengthen cultural competency and health literacy training and assessments. See also <b>HB679</b> (Nathan-Pulliam et al) that expands collaboration with professional schools and others in this area.	Monitor	HB780 killed by HGO withdrawn but provisions rolled into HB439 <b>HB679 PASSED</b> amended
HB792	<b>Health – Medical Assistance Programs – Fraud and Abuse Prevention</b> (Ready et al) Requires DHMH to take new steps to prevent billing fraud including implementing a “prepayment provider verification and screening system.”	Monitor	Killed by HGO withdrawn
HB820/ SB704	<b>State Government – Inspector General</b> (W.Miller et al/Pipkin and Colburn) Would create a statewide Inspector General to investigate “the management and affairs of (state agencies) concerning waste, mismanagement, misconduct, abuse, fraud, and corruption,” among other duties. Would not replace the DHMH OIG. See also <b>HB1328</b> (McDermott et al) to require every state agency to have an independent audit by January 1, 2014 and every two years thereafter.	Monitor	HB820 killed by HGO/SB died in B&T HB1328 killed by APP
HB843/ SB1089	<b>General Assembly – Reduction in Budget Appropriations for Repeat Legislative Audit Findings</b> (Bates et al/Pipkin and Manno) Would reduce a state agency’s budget by up to 5% if it has three or more repeat findings by the legislative auditors. See also <b>SB615</b> (Jennings) that changes from “may” to “shall” certain actions of the Joint Audit Committee related to legislative audit findings of a “fiscal/compliance nature,” and <b>HB1473</b> (Morhaim) making 2 instead of 5 repeat findings subject to specified reports.	Monitor	HB843 died in APP/SB1089 died in B&T  SB615 died in B&T HB1473 died in APP
HB1176	<b>Health Care Case Management for At-Risk Juveniles – Work Group</b> (Valentino-Smith et al) Requires DHMH to convene such a work group to include “providers of juvenile mental health services.”	Monitor	Killed by HGO withdrawn
HB1207/ SB969	<b>State Board of Professional Counselors and Therapists – Licensure of Clinical Professional Art Therapists</b> (Pendergrass et al/Conway) Establishes this new category of licensure and specifies qualifications and application procedures.	Monitor	<b>PASSED</b> amended
HB1318/ SB1019	<b>DDA – Disparity Study – Funding to Nonprofit Organizations</b> (B. Robinson et al/Pugh) Requires DDA to study whether organizations with majority minority member Boards	Monitor	HB died in Rules/ SB died in FIN

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	receive less funding than others.		
<b>SB63/ HB1067</b>	<b>Child Abuse and Neglect – Failure to...Report...Penalty</b> (Kelley et al/McComas et al)) Failure to report could result in a fine of up to \$1,000. See also <b>SB140</b> (Jacobs et al) that includes imprisonment; <b>HB496</b> (Impallaria et al) with stiffer fines and prison terms; <b>SB626/HB1102</b> (Forehand et al/Dumais et al)) that allows for civil penalties for failure to report; and <b>HB999</b> (McDermott et al) that also imposes a fine.	Monitor	SB 63 passed Senate amended, died in Rules SB140 and SB626 died in JPR/HB999, HB1067 and HB1102 all died in JUD HB496 killed by JUD
<b>SB97</b>	<b>Maryland Medical Assistance Program – Eligibility Determinations</b> (Kelley) This was withdrawn but see SB539 below.	Monitor	Withdrawn
<b>SB150/HB85 SB151/HB86 SB152/HB87</b>	These are the state <b>Budget Bill, Capital Bond Bill, and Budget Reconciliation and Financing Act of 2012</b> . The operating budget contains significant mental health cuts. The community bond bill request for mental health, developmental disabilities and addictions is \$6.49 million, up from \$3.6 million last year. See also <b>HB1413</b> (Eckardt and Frank) to do away with BRFA bills.  <i>*NOTE: Session ended without passage of revenue measures, which will cause a "doomsday budget" to kick in which will eliminate a .88% community mental health inflation adjustment and reduce the RICAs to 16 beds. A special session may be called to address this.</i>	Restore cuts, prevent further cuts	SB150 <b>PASSED</b> amended to include an additional \$1.15 million in cuts to mental health but less than the \$2.9 million originally recommended; supplemental budget restored about \$9million of Governor's cuts.* HB1413 killed by APP
<b>SB167</b>	<b>Tax Credits for Qualifying Employees with Disabilities – Sunset Repeal</b> (Currie) Originally would make the disability tax credit permanent.	Support	<b>PASSED</b> amended to one-year extension as in past years
<b>SB231</b>	<b>Individual with Disabilities – Attendant Care Program</b> (Dept of Disabilities) Makes specified changes related to eligibility categories.	Monitor	<b>PASSED</b>
<b>SB234/ HB439</b>	<b>Maryland Health Improvement and Disparities Reduction Act of 2012</b> (Admin) Implements the Governor's Health Enterprise Zone program to improve access to care via incentives to practitioners such as tax credits and loan repayment; psychiatrists are included.	Amend to include psychiatric nurse practitioners	SB <b>PASSED</b> amended to include behavioral health more broadly
<b>SB238/ HB443</b>	<b>Maryland Health Benefit Exchange Act of 2012</b> (Admin) The state health care reform coordinating council's bill to begin defining operational aspects of the insurance exchange.	Monitor	HB <b>PASSED</b> amended
<b>SB249/ HB784</b>	<b>State Individual Income Tax – Millionaires' Tax</b> (Jones-Rodwell and Pinsky/Ivey et al) Would increase the state tax rate to 6.25% on incomes over \$1 million. See also <b>SB248</b> (Jones-Rodwell and Montgomery) dealing with an "alternative minimum assessment" for corporate taxes and <b>SB269</b> (Pinsky et al), a reintroduction of the "combined reporting" bill to make it harder for corporations to avoid Maryland taxes. Also see <b>SB523</b> (Manno) to increase tax rates by .25% for all income categories over \$3,000; a similar bill, <b>HB836</b> (Healey et al) that also deals with county taxes; <b>HB956</b> (Gutierrez et al) that increases state	Support revenue measures as alternative to more cuts	SB523 passed Senate amended to include a version of the millionaire's tax, passed House amended but died on last day in conference SB249, HB784, HB836, HB956,

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	taxes on capital gains; <b>HB1051</b> (Hixson and Gilchrist) that adds a number of services to those subject to state sales tax; and <b>HB1345</b> and <b>HB1346</b> (Hixson and Mizeur), the first adding a tax surcharge on specified luxury items, the second changing the state income tax rate and rate brackets.		HB1051, HB1345, and HB1346 all died in committee SB248 and SB269 killed by B&T
<b>SB253</b>	<b>State Government – Administrative Procedure Act – Proposed Regulations</b> (Jacobs and Ferguson) Originally would have changed from 45 to 55 days the timeframe required for a proposed reg to be published before an agency can adopt it but amended to require posting on the agency's website within 3 days of publishing it in the Md Register.	Monitor	<b>PASSED</b> amended
<b>SB272</b>	<b>Labor and Employment – Workplace Fraud Act</b> (Peters et al) Specifies certain exceptions to presumed employer-employee relationship as opposed to that of independent contractor. See similar bill, <b>HB309</b> (W. Miller et al) and <b>SB1005/HB1364</b> (Pugh/Schulz et al) dealing with independent contractors and unemployment insurance.	Monitor	SB272 <b>PASSED</b> amended and HB1364 <b>PASSED</b> amended same way HB309 killed by ECM SB1005 killed by FIN withdrawn
<b>SB311</b>	<b>Mental Hygiene Administration – State Facilities – Surveillance Cameras</b> (Pugh et al) Would require installation of such cameras in state psychiatric hospitals in the wake of recent murders at Perkins.	Monitor	Withdrawn
<b>SB314/ HB1193</b>	<b>State Personnel – Traumatic Events – Mental Health Support Services</b> (Pugh et al/Nathan-Pulliam et al) Another Perkins-related bill, requires units of state government to provide such services within 48 hours of a traumatic event that results in a death in a unit's facility.	Monitor	<b>PASSED</b> amended
<b>SB316/ HB382</b>	<b>DHMH – Health Care Facilities – Abuser Registry</b> (Pugh et al/B. Robinson et al) Requires DHMH to establish such a registry that includes "the name and Social Security number of any employee who has been terminated for abusing or neglecting" various service recipients; appears to apply only to hospitals and nursing homes.	Monitor	SB passed Senate amended, died in Rules/HB killed by HGO
<b>SB329/ HB567</b>	<b>Education – Parent-Teacher Meetings – Unpaid Leave</b> (Ferguson et al/Luedtke et al) Authorizes an employee to use unpaid leave to attend parent-teacher meetings, including IEP meetings; must give employer 3 days notice.	Monitor	SB329 died in FIN/HB567 killed by ECM
<b>SB393</b>	<b>Maryland Medical Assistance Program – Managed Care Organizations – Recipient Participation</b> (Middleton) Allows Medicaid recipients age 65 and over to remain in or enroll in Medicaid MCOs.	Amend or oppose	Passed Senate amended without CBH's amendments, died in HGO
<b>SB395/ HB957</b>	<b>Health Occupations – Public Disclosure of Professional Credentials</b> (Jennings/Cullison et al) Deals mainly with health care advertisements; original bill also required all licensed practitioners to wear a license or certification "identification tag" during a patient encounter but this was amended out.	Monitor	<b>PASSED</b> amended
<b>SB429</b>	<b>Developmental Disabilities – Group Homes and Alternative Living Units – Dispersion</b> (Young et al) Would have also included mental health in setting distance limits for	Oppose	Killed by EHEA withdrawn

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	DHMH-group homes and ALUs established as of January 2013; for example, in a business district they can't be more than 600 feet from another group home or emergency shelter. In the past such dispersion standards have been determined by the state Attorney General to violate the federal Fair Housing Amendments Act of 1988.		
<b>SB433/ HB964</b>	<b>Labor and Employment – User Name and Password Privacy Protection and Exclusions</b> (Young et al/Washington et al) preventing employers from requesting employees or applicants to disclose personal electronic device-related user names and passwords	Monitor	<b>PASSED</b> amended
<b>SB526/ HB1153</b>	<b>Tobacco Tax – Health Maryland Initiative</b> (Forehand et al/Luedtke et al) Health Care For All bill to increase the state tax on cigarettes and apply a tax to cigars and other tobacco products to raise funds for the state's smoking cessation efforts.	Support	Both died in committee but were folded into larger revenue bill that died on last day
<b>SB539/ HB1029</b>	<b>Maryland Medical Assistance Program – Long Term Care Services – Eligibility</b> (Kelley/Braveboy and Alston) Requires DHMH to take various actions upon failure to meet required timelines for making eligibility determinations.	Monitor	SB died in FIN/HB killed by HGO withdrawn
<b>SB603</b>	<b>Health Care Practitioners...Preparing and Dispensing Prescription Drugs and Devices</b> (Montgomery and Conway) Adds provisions concerning compliance by prescribers with dispensing rules and procedures.	Monitor	<b>PASSED</b> amended
<b>SB868/ HB862</b>	<b>Residential Child and Youth Care Practitioners Certification Modifications</b> (Conway/Hammen) A product of the workgroup set up per legislation last session, would establish a tiered structure for certification among other changes.	Monitor	<b>PASSED</b> amended
<b>SB950</b>	<b>Maryland Medical Assistance Program – Public Disclosure of Information</b> (Middleton) Requires DHMH by January 2013 to publicize quarterly information on Medicaid enrollment, including "the number of providers accepting new patients by region for managed care enrollees," as well as the "models used to determine the unit rate updates for each provider category," among related provisions.	Monitor	Killed by FIN
<b>SB953/ HB1341</b>	<b>Medicaid Sustainability Commission</b> (Kasemeyer and Middleton/James) Establishes such a body to assess the short- and long-term funding of the state Medicaid program including "options to reduce growth."	Monitor	SB died in B&T and FIN/HB died in HGO and APP
<b>SB954</b>	<b>Medical Records – HIPAA Consistency Act of 2012</b> (Middleton) CareFirst bill to make changes to state confidentiality laws to facilitate information exchange between carriers and health care providers.	Monitor	<b>PASSED</b> amended
<b>SB1077 HB1455</b>	<b>Mortality and Quality Review Committee – Reporting Requirements – Sunset Extension</b> (Middleton/Costa and Hubbard) Continues this Committee, which among other duties receives and studies deaths in mental health programs, through 2022.	Monitor	<b>PASSED</b>

HOUSE		SENATE	
Appropriations	APP	Budget & Taxation	B&T
Economic Matters	ECM	Education, Health & Environmental Affairs	EHEA
Environmental Matters	ENV	Finance	FIN
Health & Government Operations	HGO	Judicial Proceedings	JPR
Judiciary	JUD	Passed House & Senate, signed by Gov or awaiting signature	<b>PASSED</b>
Ways & Means	W&M		

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